HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4932 of 2007

Dated:09.03.2007

Between:

Akula Venkata Laxmi.

…Petitioner.

and

Chief Managing Director, Transmission Corporation of A.P.Limited (A.P. Transco), Khairatabad, Hyderabad and another.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4932 of 2007

ORDER:

The petitioner states that she is the consumer of electricity, through S.C.No.324 of Kotakoteswaram, Nidadovole, West Godavari District. A poultry is being run, by utilising the power through the said connection. On 06.01.2007, the premises were inspected by the officials of the respondents. On finding certain irregularities and acts of tampering, the 2nd respondent issued a notice of provisional assessment, dated 16.02.2007. It was pointed out that the cost of power pilfered is assessed at Rs.79,391/-. The petitioner was given an option to pay a sum of Rs.39,692/-, to avoid disconnection. On the ground that the petitioner did not pay the said amount, the power supply was disconnected. The petitioner challenges the action of the respondents.

Heard learned Counsel for the petitioner and learned Standing Counsel for the respondents.

The disconnection of power supply to S.C.No.324, is on the ground that the amount indicated in the notice of provisional assessment was not paid. The notice was issued under Section 126

of the Electricity Act, 2003. A Division Bench of the Court interpreted the said provision. It was held that the power supply to a consumer cannot be disconnected, on the basis of a notice of provisional assessment and that the actual liability of a consumer can be determined, only on the basis of a final assessment. The said principle applies to the facts of this case.

Hence, the Writ Petition is disposed of, directing the respondents to restore the power supply to the petitioner, without insisting on payment of any amount indicated in the provisional assessment notice. The liability of the petitioner, in this regard, shall depend upon the out come of the final assessment proceedings, or any other proceedings that may be initiated by the respondents, in accordance with law. There shall be no order as to costs.

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Dt.09.03.2007 **L.NARASIMHA REDDY, J**

Note: Furnish C.C. in two days.
(B/o)
GJ

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